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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

VIA CERTIFIED MAIL - P395-651-564

EPA Region 5 Records Ctr.



305942

May 25, 1988

Mr. John Fecteau
Johnson Controls, Inc.
1302 East Monroe Street
Goshen, Indiana 46526

Re: Part B Permit Application
Johnson Controls, Inc.
Goshen, Indiana
IND 009549593

Dear Mr. Fecteau:

Under the authority of Indiana Rule 320 IAC 4.1-34-1 and 40 CFR 270.10, this is a formal request for submittal of the Part B of the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Permit Application for Johnson Controls, 1302 East Monroe Street, Goshen, Indiana, IND 009549593.

A RCRA Permit Application consists of two (2) parts, a Part A and a Part B. The Part A consists of the form your company submitted on November 3, 1980, to the U.S. Environmental Protection Agency (U.S. EPA). The Part A allowed your company to obtain "interim status," and to continue to operate the following hazardous waste management activities: (S01) container storage--1,500 gallons; (S02) tank storage--1,100 gallons; and (T04) tank treatment--35,000 gallons. On January 31, 1986, the Indiana Department of Environmental Management (IDEM) was authorized to implement the RCRA Program in lieu of the U.S. EPA. The next step in the permitting process is for your company to submit the Part B Permit Application to the IDEM and the U.S. EPA.

If your company has acted as a treatment, storage, or disposal facility (TSD) of hazardous waste at any time after November 19, 1980, and does not wish to continue to do so, then a closure plan must be submitted in lieu of the Part B Permit Application. The plan must be prepared in accordance with 320 IAC 4.1-21. If you have not treated, stored, or disposed of hazardous waste at any time after November 19, 1980, you are not subject to permit requirements. Therefore, you may request in writing an Administrative Change of Status to remove your company from the TSD list.

On November 8, 1984, the Hazardous and Solid Waste Amendments of 1984 (HSWA) were signed into law. This law amended RCRA, and contains additional provisions which may affect your company. The State of Indiana has not yet been authorized to administer the hazardous waste permit requirements of HSWA. Therefore, the final permit will contain a State portion prepared by

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the IDEM and a federal HSWA portion prepared by the U.S. EPA. One important HSWA provision mandates that interim status shall terminate unless the Part B Permit Application is submitted for a determination regarding issuance of a final permit. Another provision requires corrective action for all releases of hazardous wastes or constituents from any solid waste management unit at a TSD facility seeking a permit, regardless of the time at which waste was placed in the unit. The U.S. EPA will address these and other applicable provisions of HSWA during the permit review process.

Enclosed is a copy of 320 IAC 4.1-34-5 to 35-4, which lists the requirements for submitting the Part B Application. Eight (8) copies of the application must be submitted and postmarked no later than one hundred eighty (180) days after the date of receipt of this letter. The original and six (6) copies of the application must be sent to:

Mr. Thomas E. Linson, Acting Chief
Plan Review and Permit Section
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

The other two (2) copies must be sent to:

RCRA Activities
Part B Permit Application
U. S. Environmental Protection Agency
Region V
P.O. Box A3587
Chicago, Illinois 60690-3587

Attention: Mr. Hak Cho, Chief, Indiana Section

Please uniquely number each page of the application including all attachments (maps, specifications, etc.). A certification statement identical to the one stated in 320 IAC 4.1-34-2(d) and 40 CFR 270.11(d) must accompany each application and all additional submittals.

Failure to furnish a complete Part B Application within the required one hundred eighty (180)-day period, and to provide in full all required information, is grounds for termination of interim status under 320 IAC 4.1-34-1 and 40 CFR 270.10.

Information submitted in the Part B Permit Application to the U.S. EPA can be disclosed to the public, according to the Freedom of Information Act and U.S. EPA Freedom of Information regulations. Information submitted to the IDEM can be disclosed to the public according to Indiana's Public Records Law,

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IC 5-14-3. If you wish, however, you may assert a claim of business confidentiality by printing the word "confidential" on each page of the application that you believe contains confidential business information. All incoming materials containing confidential information must be sent in a double envelope--one envelope inside the other. The inner envelope is to be addressed to the Docket Control Officer (DCO) with the following instructions: "To be opened only by the DCO."

The IDEM and the U.S. EPA will review business confidentiality claims under 320 IAC 6-1 (enclosed) and 40 CFR Part 2, respectively, and may later request substantiation of such claims. Please review these rules carefully before making a claim. If you claim parts of your application as confidential, also provide a public information copy of the application. The public information copy must be identical to the full application excluding the confidential information.

Also enclosed is a copy of 320 IAC 4.1-41 through 49, 55, and 56 (rules promulgated prior to the enactment of HSWA) and 40 CFR 264.73(b)(3), (9), (11), (12); 90(a)(1); 101; 190 through 199; and 40 CFR 270.14(d)(3); and 16 which includes technical standards for the operation of TSD facilities. These standards, and the appropriate HSWA standards, will become applicable to your facility upon issuance of a final permit by IDEM and U.S. EPA. A copy of our "Part B Completeness Checklist" is also enclosed; it will assist you in preparing a comprehensive and complete permit application.

The IDEM and the U.S. EPA are committed to jointly conducting the permitting process as efficiently as possible, and will strive for the simultaneous issuance of the federal and State portions of the final RCRA permit. I suggest you contact Ms. Cindy Deal of this office at AC 317/232-3227 as you begin preparing your application.

Sincerely,



Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management

CAD/drc

Enclosures: 320 IAC 4.1-34, 35, 41 through 49, 55, 56 and
40 CFR Part 264.73(b)(3), (9), (11), (12); 90(a)(1);
101; 190 through 199; and 40 CFR 270.14(d)(3); and 16
320 IAC 6-1
Part B Completeness Checklist

cc: Mr. James Hunt
Mr. Dennis Zawodni
Elkhart County Health Department
Mr. Hak Cho, U.S. EPA, Region V
Mr. Bernie Orenstein, U.S. EPA, Region V

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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

File

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Johnson Controls
ELKHART COOFFICE MEMORANDUM

DATE: November 14, 1986

TO: Robert Malone
Enforcement Section

THRU: Karyl K. Schmidt 11/17/86

FROM: Timothy J. Miller  11/17/86
Geology SectionSUBJECT: Johnson Controls, IND 009549593, Goshen, Indiana
Non-authorized Discharge

I have reviewed the additional information submitted in a letter dated October 14, 1986, and I have found the information satisfactory for the determination of whether or not groundwater monitoring would be required.

Based on the information gathered and submitted, the information being in the form of drilling logs, analyses, and sampling protocol, it has been determined that the past spill cleanup was adequate and that groundwater monitoring will not be required.

The Geology Section, based on the information presented, recommends that no further action be taken against Johnson Controls in regards to additional sampling and installation of groundwater monitoring because of the adequacy of the cleanup.

TJM/drc

2581K drc 11/14/86